UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALEX REINIG, KEN GRITZ, BOB)
SODA, MARY LOU GRAMESKY,)
PETER WILDER SMITH, WILLIAM)
KINSELLA, DANIEL KOLENDA,) Civil Action No. 2:15-cv-01541-AJS
VALERIE DAL PINO, AHMAD NAJI,	
ROBERT PEDERSEN, TERESA)
FRAGALE, MARK ROSS, DANIEL)
JENKINS, and DAVID HOWARD,)
Plaintiffs,) ELECTRONICALLY FILED
v.)
)
RBS CITIZENS, N.A.,)
)
Defendant.)

<u>DEFENDANT'S MOTION TO QUASH SUBPOENAS AD TESTIFICANDUM</u> <u>ISSUED BY PLAINTIFFS</u>

Pursuant to Federal Rule of Civil Procedure 45, Defendant Citizens Bank, N.A. (incorrectly named as RBS Citizens, N.A. and hereinafter referred to as "Defendant"), by and through their undersigned counsel, respectfully moves the Court to quash the subpoenas *ad testificandum* issued by Plaintiffs seeking to command the appearance of Matthew Egan, Thomas Gamache, Christopher Gough, Chace Gundlach, John Kraus, Tad Kuhn, Dean Mathieson, Andrew McNally, Nancy Monbouquette, Chris Nard, Bruce Ocko and Robert Sutton (the "Subpoenas") to testify at trial in Pittsburgh, Pennsylvania. In support of its Motion to Quash, Defendant states as follows:

- 1. Per this Court's May 31, 2016 Pretrial Order, jury selection and trial of this case is set to commence September 25, 2017, in Pittsburgh, Pennsylvania. (Dkt. No. 65)
- 2. On August 4, 2017, Plaintiffs purported to serve the Subpoenas on defense counsel via electronic mail. Through the 12 Subpoenas, Plaintiff purport to require Matthew

Egan, Thomas Gamache, Christopher Gough, Chace Gundlach, John Kraus, Tad Kuhn, Dean Mathieson, Andrew McNally, Nancy Monbouquette, Chris Nard, Bruce Ocko and Robert Sutton (the "Witnesses") to appear to testify before this Court, located at Joseph F. Weis, Jr. U.S. Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania 15219, on September 25, 2017.

- 3. The Subpoenas are procedurally deficient in the following ways: (1) the Subpoenas were not personally served upon the Witnesses in violation of Rule 45(b)(1); (2) Plaintiffs did not tender fees to the Witnesses for their attendance and mileage as required by Rule 45(b)(1); and (3) the Subpoenas require the Witnesses to travel in excess of the geographical limits set forth in Rule 45(c)(1).
- 4. For all of the aforementioned reasons and those set forth in the accompany Memorandum of Law, the Court should quash each of the improperly served subpoenas.

Wherefore, Defendant respectfully requests that the Court grant its Motion and quash the Subpoenas directed to Matthew Egan, Thomas Gamache, Christopher Gough, Chace Gundlach, John Kraus, Tad Kuhn, Dean Mathieson, Andrew McNally, Nancy Monbouquette, Chris Nard, Bruce Ocko and Robert Sutton.

Respectfully submitted,

/s/ Christina T. Tellado

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Dated: September 12, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, this 11th day of September, 2017, the foregoing Motion to Quash Trial Subpoenas was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel indicated on the electronic filing

receipt. Parties may access this filing through the Court's ECF system.

/s/ Christina T. Tellado

Counsel for Defendant